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FOUNDED 1897

AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1929-1983)
CLAUDE C. PIERCE (1913-1988)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)
L.P. McLENDON, JR. (1921-2010)

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230 NORTH ELM STREET
GREENSBORO, N.C. 27401

WRITER'S DIRECT DIAL

October 8, 2012

Via Electronic Comment Filing System

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20544

Re: WLPS-CD, Lumberton-Pembroke, NC (Facility ID 167158)
Request for Streamlined Financial Hardship Waiver,
Implementation of Commercial Advertisement Loudness
Mitigation (CALM) Act, MB Docket No. 11-93

Dear Ms. Dortch:

Our firm is counsel to Billy Ray Locklear Evangelistic Association, Inc. (the "Association"), licensee of WLPS-CD, Lumberton-Pembroke, North Carolina. By this letter, and pursuant to the streamlined processes adopted in the Commission's *Report and Order* issued December 13, 2011, in the above-captioned proceeding (the "*Order*"), the Association respectfully requests a waiver of the Commercial Advertisement Loudness Mitigation ("CALM") Act rules adopted therein for one year due to financial hardship.

Pursuant to the *Order*, “small broadcast stations” may request a waiver of the Commission’s CALM Act rules through a streamlined waiver process.¹ A “small broadcast station” is defined as a station (1) with no more than \$14 million in annual receipts, *or* (2) is located in television markets 150 to 210.² Additionally, to qualify for a waiver under the streamlined process, an applicant must certify that it needs a delay of one year to obtain certain specified equipment in order to avoid financial hardship.³

Enclosed with this letter is the Certification of Sam Garfield, Chairman of the Board of Directors of the Association, who certifies (1) that WLPS-CD meets the Commission’s definition of a “small broadcast station” for the purposes of the streamlined financial hardship waiver because, at all relevant times, the Association has less than \$14 million in annual receipts.⁴ Mr. Garfield further certifies that, to avoid financial hardship, the Association requires a one-year delay to obtain certain specified equipment necessary for WLPS-CD to comply with the Commission’s CALM Act rules.

Accordingly, WLPS-CD meets the definition of a “small broadcast station” and respectfully requests a waiver of CALM Act compliance for one year.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Respectfully submitted,

BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.



Elizabeth E. Spainhour
*Counsel to Billy Ray Locklear Evangelistic
Association, Inc.*

Enclosure

¹ *Implementation of Commercial Advertisement Loudness Mitigation Act*, Report and Order, FCC 11-182, ¶¶ 52-53 (2011).

² *Id.*, ¶ 53.

³ *Id.*, ¶ 52 & n.226.

⁴ WLPS-CD is licensed to Lumberton-Pembroke, North Carolina, which is located in the Myrtle Beach-Florence DMA (No. 103). See <http://www.nielsen.com/content/dam/corporate/us/en/public%20factsheets/tv/nielsen-2012-local-DMA-TV-penetration.pdf>.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

| | | |
|--|---|---------------------|
| In the Matter of |) | |
| |) | |
| Implementation of the Commercial |) | MB Docket No. 11-93 |
| Advertisement Loudness Mitigation (CALM) |) | |
| Act |) | |

Certification of Sam Garfield

I, Sam Garfield, hereby certify as follows:

1. I am the Chairman of the Board of Directors of Billy Ray Locklear Evangelistic Association, Inc. (“the Association”), licensee of WLPS-CD, Lumberton-Pembroke, North Carolina. I have held this position since 2011.

2. The Association is a non-profit corporation that airs religious and community-oriented programming to its local viewers in the Myrtle Beach-Florence Designated Market Area.

3. During the calendar year 2011, the Association had less than \$14 million in annual receipts. The Association anticipates that it will have less than \$14 million in annual receipts for both the 2012 and 2013 calendar years. During 2012, revenues, which consist primarily of viewer donations, have generally been no more than \$10,000 per month.

4. To avoid financial hardship, which would compromise the Association’s mission to air programming of interest to its viewers, the Association requires a waiver of the Commission’s CALM Act rules for one year to allow it to obtain the necessary equipment to comply with the rules.

5. Attached as Exhibit 1 is an estimate provided by SCMS, Inc. listing the equipment WLPS-CD requires to comply with the Commission's CALM Act rules.

October 5, 2012
Date

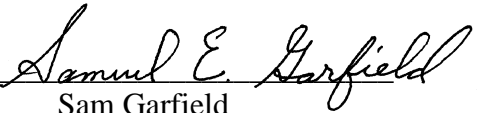

Sam Garfield
Chairman
Billy Ray Locklear Evangelistic
Association, Inc.

Exhibit 1



SCMS, INC.
10201 Rodney Blvd.
Pineville, N.C. 28134
704-889-4508
800-438-6040

QUOTE

092775PV909

Date:
10/4/12

Page:
1

BILL TO:

BILLY LOCKLEAR EVANGELIST
3463 OAK GROVE CHURCH RD
EVANGELICAL ASSOCIATION
LUMBERTON, NC 28360

SHIP TO:

BILLY LOCKLEAR EVANGELIST
3463 OAK GROVE CHURCH RD
ATTN: SAM GARFIELD
LUMBERTON, NC 28360

| Customer ID | Ship Via | Customer PO | Payment Terms | Sales Rep |
|----------------|----------|-------------|---------------|-----------|
| BILLY ----- | GROUND | | TBD | 2 |

| Quantity | Item | Description | Unit Price | Extension |
|----------|------|---|------------|-----------|
| 1.00 | | DAYSEQUERRA ILM8 5.1 SURROUND AUDIO LOUDNESS METER | 4,114.29 | 4,114.29 |

TERMS: Quote is in effect for 30 days with the exception of price increase from the manufacturer but may be extended upon request. Taxes are not included and freight is FOB origin. Any freight charges shown are estimates only and final invoice will reflect actual charges. Payment terms are as shown above. Any discounts shown are for payment according to terms, otherwise, full price shown will be due. Partial invoicing for partial shipments will be allowed. All items remain the property of SCMS until paid in full with all legal expenses required for collection plus interest to be paid by purchaser. Any stated deliveries are estimates only and are subject to manufacturer's stock and production schedules at time of order. Only the manufacturer's warranties are applicable. All used equipment is on a "first come first serve basis". All non-defective returned products are subject to a 20% restocking fee. All credit card purchases are subject to a surcharge.

| | |
|--------------|-----------------|
| Subtotal | 4,114.29 |
| Freight | |
| Sales Tax | 318.86 |
| Total | 4,433.15 |

Accepted By: _____